REMARKS

The Official Action of October 24, 2006, and the references cited therein have been carefully considered. The Applicant respectfully requests reconsideration of the application in view of the following remarks. Claims 5-18 have been canceled without prejudice and rewritten for presentation as new Claims 19-25. Support for this amendment is found in the specification, e.g. page 2, lines 19-21; page 3, lines 3-6, and the claims of the application as filed.

Claims 19-25 are pending in the application.

I. Rejection of Claims 12-18 Under 35 U.S.C. § 112, First Paragraph

Claims 12-18 stand rejected under 35 U.S.C. § 112, first paragraph, for lack of enablement. The Examiner was also concerned regarding the term "prevention" in the claims. Applicants respectfully submit that it is well known in the art that there are various agents that can be employed by one skilled in the art for the prevention of attention-deficit/hyperactivity disorder. Although Applicants respectfully assert that the specification fully enables practicing such claims without undue experimentation, in the interest of compact prosecution, such claims have been deleted. Accordingly, the rejection of Claims 12-18 under 35 U.S.C. § 112, first paragraph, for lack of enablement has been overcome.

II. Rejection of Claims 5-11 for Obviousness over Curtis et al. in view of Baldessarini et al. and further in view of the Merck Manual

Claims 5-11 stand rejected under 35 U.S.C. § 103(a) as being obvious over Curtis et al. (GB 2306471) in view of Baldessarini et al. (WO 02/072029) and further in view of the Merck Manual. The Applicants respectfully traverse this rejection and provide the following comments.

The Applicants respectfully assert that Curtis et al. in view of Baldessarini et al. and further in view of the Merck Manual does not disclose or suggest the claimed invention. Nor would Curtis et al. in view of Baldessarini et al. and further in view of the Merck Manual have motivated or enabled one skilled in the art to prepare the subject compounds in accordance with the claimed invention. The Examiner has failed to demonstrate the specific motivation in Curtis et al. in view of Baldessarini et al. and further in view of the Merck Manual that would have motivated one of ordinary skill in the art to employ oral administration of the compound of formula I for the treatment of attention-deficit/hyperactivity disorder in accordance with the claimed invention.

Curtis et al. discloses the methanesulfonate salt of the benzofuran derivative which has activity as an antagonist of the dopamine D4 receptor subtype and which is useful for the treatment of psychotic disorders such as schizophrenia. As the Examiner notes, this reference does not teach the use of this compound for the treatment of attention-deficit/hyperactivity disorder.

Applicants respectively submit that there would have been no motivation nor guidance in Curtis et al. for one of ordinary skill in the art to have orally administered the subject compound for the treatment of attention-deficit/hyperactivity disorder.

Baldessarini et al. disclose the treatment of attention-deficit/hyperactivity disorder with a dopamine D4 receptor-selective antagonist selected from a group of 11 compounds, i.e. PNU-101958, RBI-275, NGD-94-1, L-745,870, PD172,938, PNU-101387G, S-18126, NRA-0045, CP-293,019, YM-43511 and YM-50001 (see page 4, lines 5-12, and page 8).

Baldessarini et al. expressly states that these 11 compounds are the D4 receptor-selective antagonists that are useful for inhibiting motor hyperactivity in a mammal exhibiting the symptoms of attention-deficit/hyperactivity disorder (see page 4, lines 1-12, Claim 1 and Claim 6). None of these compounds are the subject compound of formula I. Applicants respectfully submit that based on this limitation of Baldessarini et al. to just these 11 compounds, one of ordinary skill in the art would have not have had the requisite motivation nor guidance to employ the subject compound of formula I for the treatment of attention-deficit/hyperactivity disorder.

In addition, Baldessarini et al. expressly state that the compounds should be administered intramuscularly, intravenously or subcutaneously (see Claim 5). In contrast, the present claims are directed to the oral administration of the subject compound of formula I for the treatment of attention-deficit/hyperactivity disorder.

Applicants note that Baldessarini et al. WO 02/072029 published on September 19, 2002. Accordingly, Baldessarini et al. is effective as a reference under 35 U.S.C. § 103(a) as of September 19, 2002. Applicants respectfully submit that the present application is fully entitled to priority under 35 U.S.C. § 119 from their application GB 0207139.7, filed March 26, 2001. Accordingly, such priority date preceeds the date on which Baldessarini et al. is effective as a reference under 35 U.S.C. § 103(a).

The Merck Manual provides general background regarding the prevalance of attention-deficit/hyperactivity disorder in children, but does not add anything to remedy the fundamental limitation in the teachings of Curtis et al. in view of Baldessarini et al.

Accordingly, Applicants respectfully submit that the rejection of Claims 5-11 under 35 U.S.C. § 103(a) as being obviousness over Curtis et al. in view of Baldessarini et al. and further in view of the Merck Manual is untenable and should be withdrawn.

Applicants respectfully contend that the application is allowable and a favorable response from the Examiner is earnestly solicited.

Respectfully submitted,

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